

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,776

IN THE MATTER OF:

Served September 24, 2007

FOWLER TRIO, L.L.C., Trading as AM)
TRANSPORT AND ALL AMERICAN)
ADVENTURES & TOURS, Revocation of)
WMATC Insurance Endorsement and)
Investigation of Suspension and)
Revocation of Certificate NO. 576)

Case No. MP-2007-153

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 576 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Under Regulation No. 58-09, the Commission may, upon thirty (30) days' notice, revoke its approval of any WMATC Insurance Endorsement if, in the judgment of the Commission, such security does not comply with the Commission's regulations or for any reason fails to provide satisfactory or adequate protection for the public.

On July 11, 2007, respondent filed a \$1 million primary WMATC Insurance Endorsement and a \$4 million excess WMATC Insurance Endorsement to replace a \$1.5 million primary WMATC Insurance Endorsement already on file. The \$1 million primary was acceptable for filing, but the \$4 million excess was not because it was not signed by a recognized underwriter and appeared to amend a policy issued by a company not licensed to issue insurance policies in one of the fifty states.²

Order No. 10,658, served July 25, 2007, accordingly revoked respondent's \$1.5 million primary effective August 24, 2007.³ Certificate No. 576 was automatically suspended on August 24 under Regulation No. 58-02 when respondent failed to timely file the necessary replacement endorsement(s), and a \$50 late filing fee became due and payable under Regulation No. 67-03(c), as noted in Order No. 10,723, served August 24, 2007.

¹ See *In re Washington Shuttle, Inc., t/a Supershuttle*, No. MP-04-151, Order No. 8235 (Aug. 24, 2004) (rejecting endorsement not signed by recognized underwriter) .

² See *id.* (citing 49 C.F.R. § 387.35(c): insurer must be legally authorized to issue policy in any State of the United States -- adopted by Commission Regulation No. 64).

³ See *id.* (revoking endorsement under same circumstances) .

Respondent thereafter tendered a \$50 check on August 30, 2007, and filed an acceptable \$4 million excess WMATC Insurance Endorsement on September 21, 2007. Accordingly, the suspension is lifted, and this investigation is terminated.

IT IS SO ORDERED.

FOR THE COMMISSION:

A handwritten signature in black ink, appearing to read 'W. S. Morrow, Jr.', written in a cursive style.

William S. Morrow, Jr.
Executive Director